

The President of the Security Council presents his compliments to the members of the Council and has the honour to transmit herewith, for their information, a copy of a **letter dated 12 July 2016 from the Secretary-General** addressed to the President of the Security Council, and its enclosures.

15 July 2016



THE SECRETARY-GENERAL

12 July 2016

Dear Mr. President,

I refer to Security Council resolution 2272 (2016) of 11 March 2016, in which, at operative paragraph 1, the Security Council endorsed “the decision of the Secretary-General to repatriate a particular military unit or formed police unit of a contingent when there is credible evidence of widespread or systemic sexual exploitation and abuse by that unit” and requested that the Secretary-General “give immediate and ongoing effect to this decision, including by urgently finalizing his guidance to United Nations peacekeeping operations to implement this decision”.

I am pleased to share with the members of the Security Council the attached Operational Guidance on the implementation of Security Council resolution 2272 (2016), which addresses the manner in which I plan to implement operational paragraphs 1, 2 and 3. The Guidance identifies factors to be considered in determining whether

- (i) “widespread or systemic sexual exploitation and abuse” occurred;
- (ii) a troop-contributing country has taken appropriate steps to investigate allegations of sexual exploitation and abuse;
- (iii) a troop or police-contributing country has held perpetrators accountable; and
- (iv) the troop or police-contributing country has informed me of the progress of its investigations and/or actions taken.

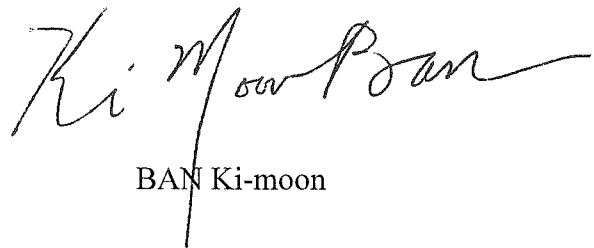
His Excellency
Mr. Koro Bessho
President of the Security Council
New York

The Guidance includes an Assessment Matrix which sets forth relevant factors in considering the deployment of military contingents and formed police units. The assessment is designed to identify mandatory factors, while also allowing for significant flexibility in other aspects. The factors set out therein will form the basis for standardized assessments in the context of the initial deployment or redeployment of uniformed personnel.

Finally, the Guidance also refers to operative paragraph 7 of the resolution, in which the Security Council urges “all non-United Nations forces authorized under a Security Council mandate to take adequate measures to prevent and combat impunity for sexual exploitation and abuse by their personnel”. The Guidance recommends that non-United Nations forces adopt the standards set out for United Nations uniformed personnel. In the future, the Security Council may wish to consider including a reference to the standards as requirements for non-United Nations forces authorized under a Security Council mandate.

I should be grateful if you could bring this letter and its annexes to the attention of the members of the Security Council.

Please accept, Mr. President, the assurances of my highest consideration.



BAN Ki-moon

**OPERATIONAL GUIDANCE ON THE
IMPLEMENTATION OF SECURITY COUNCIL
RESOLUTION 2272 (2016) AND SELECT RELATED
MEASURES IN A/70/729**

OPERATIONAL GUIDANCE ON THE IMPLEMENTATION OF
SECURITY COUNCIL RESOLUTION 2272 (2016) AND SELECT RELATED MEASURES IN A/70/729

Introduction

1. On 11 March 2016, the Security Council adopted Resolution (SCR 2272 (2016)) addressing sexual exploitation and abuse (SEA) by peacekeepers deployed under Security Council mandates.
2. The provisions of SCR 2272 (2016) focus primarily on military personnel and members of Formed Police Units serving in peacekeeping missions, and the responsibility of troop and police-contributing countries (TCC/PCCs) to investigate allegations of SEA and hold their personnel accountable, including for criminal conduct¹.
3. In SCR 2272 (2016) the Security Council requests the Secretary-General, *inter alia*:
 - a) To give immediate effect to his decision to repatriate a particular military unit or formed police unit of a contingent when there is credible evidence of widespread or systemic sexual exploitation and abuse by that unit;
 - b) To urgently finalize guidance to United Nations peacekeeping operations to implement this decision;
 - c) When a particular troop-contributing country whose personnel are the subject of an allegation or allegations of SEA has not taken appropriate steps to investigate the allegation and/or when the particular troop- or police-contributing country has not held the perpetrators accountable or informed the Secretary-General of the progress of its investigations and/or actions taken, to replace all military units and/or formed police units of the troop- or police-contributing country in the peacekeeping operation where the allegation or allegations arose with uniformed personnel from a different troop- or police-contributing country;
 - d) To ensure that the replacement troop- or police-contributing country has upheld standards of conduct and discipline and appropriately addressed allegations against or confirmed acts, if any, of sexual exploitation and abuse by its personnel;
 - e) To assess whether a Member State has taken the appropriate steps to investigate, hold accountable and inform him of the progress of its investigations when determining whether that Member State should participate in other current or future United Nations peacekeeping operations; and

¹In addition to cases of sexual exploitation and abuse, human rights violations and other serious crimes committed by peacekeepers and non-UN forces deployed under a Security Council mandate will be a key consideration when determining repatriation and/or future deployment. Further guidance is being developed in this regard.

- f) To gather and preserve evidence ahead of investigations of sexual exploitation and abuse in United Nations peacekeeping operations with due consideration for the safety, security and confidentiality of victims, to ensure that the concerned United Nations peacekeeping operation takes immediate steps to prevent, including through risk assessments, future incidents of sexual exploitation and abuse, to strengthen the accessibility, coordination and independence of processes for complaint receipt and management and to assist victims, including by maintaining confidentiality, helping to minimize trauma and facilitating access, as appropriate, to immediate care, medical and psychological support.
4. It is recalled that SCR 2272 (2016) builds on initiatives of the Secretary-General initially set out in his 2014 report to the General Assembly on Special measures for protection from sexual exploitation and sexual abuse (A/69/779), and further expanded upon in his 2015 report (A/70/729).
5. In A/69/779², the Secretary-General stated his intention to pursue vigorously measures to strengthen accountability among uniformed personnel, including: “at his own initiative, [to] consider the repatriation of an entire contingent or formed police unit where there is prima facie evidence of widespread or systemic violations by several members of the that contingent or unit”; and [to] “terminate the deployment of the uniformed personnel of a Member State where there is a documented pattern of non-compliance with United Nations standards of conduct.”
6. In A/70/729³, the Secretary-General confirmed that he has “followed through on his commitment to monitor accountability through command and control and to take action, including repatriation of contingent commanders, contingents or termination of the deployment of the uniformed personnel where there is prima facie evidence of widespread or systemic violations of the prohibition against sexual exploitation and abuse.” The Secretary-General further indicated in A/70/729 that guidance would be finalized in 2016 “on the operation of this mechanism, building on the lessons learned.”

Standards for deploying personnel to serve in United Nations peacekeeping operations

a) Guiding principles:

7. The Secretary-General affirms that the ultimate goal is to effectively prevent and respond to occurrences of sexual exploitation and abuse. In line with Article 101 of the United Nations Charter, the United Nations is committed to the highest standards of efficiency, competence and integrity for all its personnel, whether at United Nations Headquarters or in the field, both uniformed and civilian, whether internationally or

² See paragraph 54 of A/69/779.

³ See paragraph 60 of A/70/729.

locally recruited. It is therefore critical, as part of the guidance on the implementation of SCR 2272 (2016) to consider the standards for force generation that troop and police-contributing countries must meet prior to and during deployment in the service of United Nations peacekeeping. These standards related to operational performance, conduct and human rights records, are aspects of the readiness of formed police units and contingents to carry out their mandates. These standards are detailed in Annex A.

8. The pre-deployment and deployment standards in Annex A form the basis for a risk assessment for operational and performance readiness. Risk is a dynamic element, and it must be understood that even where personnel have been deemed ready to deploy, whether in the context of an initial deployment, rotations and/or a re-hatting process, there will be an ongoing need to evaluate and manage their suitability to serve in United Nations operations with a specific focus on the risk of SEA, particularly in those cases where the prior and/or current record of SEA incidents may point to the existence of a higher risk of SEA.

b) Procedures for implementation:

9. Operational performance and conduct readiness of military unit/contingent and formed police unit personnel in line with the standards outlined in the present Guidance (Annex A) will be carried out *inter alia* by integrated assessment teams in consultation with relevant United Nations Departments and offices, particularly DPKO, DFS and OHCHR, SRSG CAAC and SRSG SVC. In the case of the assessment of formed police units, the existing Standard Operating Procedures on the “Assessment of Operational Capability of Formed Police Units for Service in United Nations Peacekeeping Operations”, which includes terms of reference for a “Formed Police Assessment Team” shall be used as the basis for conducting assessments. Assessment of military units will be facilitated through the process of conducting Assessment and Advisory Visits, TCC/PCC Reconnaissance Visits and Pre-deployment Visits. Policy and Standard Operating Procedures for TCC/PCCs Reconnaissance Visits and Pre-Deployment Visit are already in place.
10. The aforementioned assessments will be complemented by quarterly assessment and evaluation reports prepared by field missions, in line with the Department of Peacekeeping Operations’ Operational Readiness Assurance and Performance Improvement Policy, which will highlight gaps in operational needs and performance. Where there is an issue of underperformance, the quarterly reports will activate the engagement between the United Nations Headquarters and the Permanent Mission of the relevant troop-contributing country on the highlighted gaps.

SCR 2272 (2016) – Implementation of Paragraph 1:

11. OP1 “Endorses the decision of the Secretary-General to repatriate a particular military unit or formed police unit when there is credible evidence of widespread or systemic sexual exploitation and abuse by that unit and *requests* the Secretary-General to give

immediate and ongoing effect to this decision, including by urgently finalizing his guidance to United Nations peacekeeping operations to implement this decision”.

“Credible Evidence”:

12. SCR 2272 (2016) has indicated that the decision of the Secretary-General to repatriate a particular military unit or formed police unit must be based on “credible evidence” of widespread or systemic sexual exploitation and abuse.
13. When the United Nations initially receives information on sexual exploitation and abuse, United Nations’ personnel will carry out preliminary fact-gathering regardless of the category of personnel implicated. While the investigation may ultimately be conducted by a United Nations investigative entity, principally the Office of Internal Oversight Services, or by the troop-contributing country in the case of members of military units and/or contingents, initial information and evidence will have been gathered by United Nations personnel, through relevant procedures. This information will form the basis of an investigation, which will go on to gather additional evidence and information over time.
14. There is no single formula for determining what will constitute credible evidence in a given case. Credible evidence is generally understood to be that which is worthy of belief. The determination as to whether credible evidence exists will be ultimately made by United Nations Headquarters when the cases are reviewed collectively, based on the preliminary fact-gathering and assessment carried out by the United Nations. When making the determination, the initial information gathered by the United Nations as well as the outcome of the interview or interviews of the implicated individuals (either conducted by the National Investigation Officers of the concerned TCC/PCC, if appointed, or as part of the United Nations administrative investigation) will be taken into account, if available.

“Widespread or Systemic”:

15. There is no strict formula for determining when sexual exploitation and abuse has been widespread or systemic. Each instance will need to be assessed based on its specific circumstances; however some or all of the following factors will be taken into account in any specific case.

Factors relevant to determining “widespread” sexual exploitation and abuse
The number of allegations of sexual exploitation and abuse against members of the unit in question.
The number of alleged perpetrators implicated from the unit.
The number of victims who have reported sexual exploitation and abuse by members of the unit in question.

Whether previous units from the Member State in question have been implicated in allegations of sexual exploitation and abuse.
The timeline over which the alleged sexual exploitation and abuse occurred.
The geographic spread of the alleged sexual exploitation and abuse (did the conduct occur over a large area/affect numerous villages/IDP camps?)
Factors relevant to determining “systemic” sexual exploitation and abuse
Is there similarity in the nature of allegations (e.g. were they against minors, e.g. under 18 years of age? did they involve non-consensual sex with adults?)
Does it appear any particular group was targeted, e.g. ethnic group, minors?
The level of seniority of the alleged perpetrators or those alleged to have been aware of the sexual exploitation and abuse (aggravated if done by or with tacit agreement by commanders, or if with a minor)?
Is there information available pointing to a failure in command and control in the unit in question?
Have there been any attempts by the perpetrators and/or commanders to intimidate or influence victims or witnesses to avoid or withdraw complaints?
Have there been any attempts by the perpetrators and/or commanders to conceal relevant information?
Have United Nations resources been used in the commission of the alleged acts (e.g. UN vehicles, UN mobile telephones, UN compound)?
Has there been a failure by the perpetrators and/or commanders to cooperate with investigative actions undertaken by the United Nations?
Is there information that indicates that there was a degree of organization and/or planning by elements within the unit?

16. A further overriding consideration, which will be relevant to a decision to repatriate a unit(s) and/or contingent, as applicable, will be whether the presence of the unit undermine the reputation of the mission and its ability to deliver on its mandate.

SCR 2272 (2016) – Implementation of Paragraph 2:

17. Paragraph 2 “Requests the Secretary-General, when a particular troop-contributing country whose personnel are the subject of an allegation or allegations of sexual exploitation and abuse has not taken appropriate steps to investigate the allegation and/or when the particular troop- or police-contributing country has not held the perpetrators accountable or informed the Secretary-General of the progress of its investigations and/or actions taken, to replace all military units and/or formed police units of the troop- or police-contributing country in the United Nations peacekeeping operation where the allegation or allegations arose with uniformed personnel from a different troop- or police-contributing country, as applicable and further requests the Secretary-General to ensure that the replacement troop- or police-contributing country has upheld standards of conduct and discipline and appropriately addressed allegations against or confirmed acts, if any, of sexual exploitation and abuse by its personnel.”

18. Paragraph 2 requests that the Secretary-General replace all military units and/or formed police units in the United Nations peacekeeping operation where the allegation(s) arose should one of three circumstances arise: (i) the Member State has not taken appropriate steps to investigate the allegation; (ii) the Member State has not held the perpetrators accountable; or (iii) the Member State has not informed the Secretary-General of the progress of its investigations and/or actions taken.
19. Consistent with international standards, investigations by Member States into alleged sexual exploitation and abuse must be independent, impartial, thorough and prompt. They must be conducted in a manner which is respectful of the extremely sensitive nature of the alleged conduct and the age and gender-related vulnerability of the victims. Information regarding the outcome of investigations and sanctions taken by Member States must be communicated to the Secretary-General in a timely manner and with sufficient meaningful information to enable the Secretary-General to assess whether appropriate steps were taken. In this regard, it is recalled that the respective Model Memoranda of Understanding with troop and police-contributing countries provide that the Government agrees to notify the Secretary-General of progress on a regular basis, including on the outcome of the case.
20. In order to implement operative paragraph 2 of SCR 2272 (2016), the Secretary-General will apply the following factors to assess whether a troop or police-contributing country has failed to take action to (i) investigate an allegation; (ii) hold the perpetrators accountable; or (iii) inform the Secretary-General of the progress of its investigations and/or actions taken.

Factors to take into consideration for determining whether the troop-contributing country has taken appropriate steps to investigate allegation(s) of sexual exploitation and abuse
Has the troop-contributing country nominated a National Investigation Officer within the timeline requested?
Has the troop-contributing country nominated and deployed National Investigative Officers within contingents, as applicable?
Has the troop-contributing country ensured that its National Investigation Officer(s) has the required skills and competencies to carry out the investigations? Has the National Investigation Officer received training on SEA investigation?
Has the United Nations received any reports that National Investigation Officers have not conducted investigations impartially and with respect for due process and sensitivity for the nature of the allegations and victims; and/or have not cooperated with the United Nations? Have National Investigative Officers attempted to intimidate witnesses or improperly influence the investigation?
Have investigations been concluded within 6 months, or 3 months where an

expedited timeline was requested by the Secretary-General? If not, how long did the investigation take?
Has the troop-contributing country taken appropriate action, where applicable, to ensure victim and/or witness protection in the course of investigations, and/or ensure adequate child protection where applicable?
Factors for determining that a troop or police contributing country has held the perpetrators accountable
Have disciplinary and/or criminal sanctions been applied where sufficient evidence has been found to substantiate allegations? Were these sanctions commensurate with the gravity of the acts in line with international standards, including in relation to the age of the victim?
Do the sanctions which have been applied fall within the range foreseen by the applicable criminal and/or disciplinary national legislation for such an act had it occurred on the national territory of the concerned troop or police-contributing country?
Where there has been a paternity claim, has the troop or police-contributing country facilitated the ability of the claimant to establish paternity – including through the use of DNA testing – and/or to claim child support in the national judicial system?
Factors to take into consideration for determining whether a troop-contributing country/police contributing country has informed the Secretary-General of the progress of its investigations and/or actions taken
How many requests for information, including follow-up requests, relating to SEA cases were sent within the time period under review by the Secretary-General? How many substantive responses to those requests were received from the troop/police-contributing country during the time period under review?
Has the troop/police contributing country informed the United Nations of the findings of the investigation, in accordance with the case reporting template provided for this purpose by the Secretary-General?
Has the troop/police contributing country informed the secretary-General of the nature of the proceedings taken in a specific matter?
In substantiated matters, has the troop/police contributing country informed the United Nations of the nature of the action taken?
Does the information provided by the troop/police contributing country include reference to what the current national military or police regulations regarding discipline and/or national criminal code provide as a sanction for crimes of a similar nature, committed on national territory?
Has the troop/police contributing country informed the Secretary-General of its findings on the question of whether the allegations resulted from a failure to exercise effective command and control?
Has the troop or police-contributing country provided the Secretary-General

with other relevant information, such as protection measures and measures to provide effective remedies to victims, as requested by the United Nations?

SCR 2272 (2016) – Implementation of Paragraph 3:

21. In operative paragraph 3, the Security Council requests the Secretary-General, consistent with operative paragraph 2 regarding repatriation “ to assess whether a Member State has taken the appropriate steps to investigate, hold accountable and inform him of the progress of its investigations when determining whether that Member State should participate in other current or future United Nations peacekeeping operations.”
22. The standards described above in connection with paragraph 2 of SCR 2272 (2016) will be the basis for the assessment by the Secretary-General, in accordance with paragraph 3 of SCR 2272 (2016), for the deployment of troop and police-contributing countries in any current or future United Nations peacekeeping operation, as well as in any re-hatting process.
23. This assessment will inform the Secretary-General’s decision to: (i) deploy; (ii) work with a Member State prior to deployment to address any concerns as to the ability of the troop or police contributing country to meet the required standards; (iii) deploy, with agreed-upon additional measures in place to reduce risk; or (iv) not deploy.

SCR 2272 (2016) – Implementation of Paragraph 7:

24. Paragraph 7, the Security Council “[u]rges all non-United Nations forces authorized under a Security Council mandate to take adequate measures to prevent and combat impunity for sexual exploitation and abuse by their personnel.”
25. The Secretary-General recommends that all non-United Nations forces authorized under a Security Council mandate to adopt the standards set out in the present Guidance as a foundation for taking “adequate measures to prevent and combat impunity for sexual exploitation and abuse by their own personnel.” The United Nations shall carry out - advocacy and extend technical advice and support in this regard, as appropriate and subject to the availability of resources. This should apply, in particular, when such forces operate alongside United Nations field presences.
26. When non-United Nations forces authorized under a Security Council mandate are recipient of United Nations support, an assessment of the risk that they may commit violations of human rights, international humanitarian law and refugee law, including acts related to sexual exploitation and abuse, as relevant, will be carried out in compliance with the Human Rights Due Diligence Policy on UN Support to non-UN Security forces. The adoption by such forces of the standards set out in the present Guidance and other relevant United Nations standards related to the prevention of

sexual exploitation and abuse, and their ability to implement them will form part of the assessment. Depending on the results of the assessment, the adoption and implementation of such standards may also form part of mitigatory measures to be implemented by the forces receiving UN support.

Repatriation of contingent commander, contingents or termination of the deployment of uniformed personnel by the Secretary-General

27. The factors set out in the present Guidance regarding the implementation of operative paragraph 1 of SCR 2272 (2016) will also be considered in the implementation of the Secretary-General's commitment, as per paragraph 60 of A/70/729. In A/70/729, the Secretary-General indicated that he had followed through on his commitment⁴ to monitor accountability through command and control and to take action, including repatriation of contingent commanders, contingents or termination of the deployment of the uniformed personnel where there is prima facie evidence of widespread or systemic violations of the prohibition against sexual exploitation and abuse."⁵
28. In practical terms, the use of the language "contingent commander" in A/70/729 refers to designated unit commanders at the various deployment level of national contingents with the United Nations (i.e. battalion/company/platoon/section or squad commanders). The language should not be misconstrued to mean exclusively the overall contingent commander. Factors such as geographical dispersal of troops and the extent of command and control responsibility of the commander will be considered in determining the right level or levels of command to be repatriated.

Suspension of payment in relation to a particular unit

29. In A/70/729, the Secretary-General requested that Member States agree "that, where an investigation is not completed within one year of the date of notification, payment in relation to the unit with which the implicated individual was deployed, or a corresponding replacement unit, will be suspended."⁶ Following consultations with Member States, all further deployments will be suspended until the troop-contributing country provides notification of completion of the investigation."⁷

⁴ See A/69/779.

⁵ A/70/729, paragraph 60.

⁶ A/70/729, paragraph 63. It is noted that A/70/729 remains under consideration by Member States as of the date of issuance of the present Guidance. This Guidance will be further updated, if required, based on the decisions of the General Assembly.

⁷ A/70/729, paragraph 63.

30. It is recalled that the Secretary-General has adopted a timeline of six months for completion of investigations by United Nations investigative entities and has asked troop-contributing countries to commit to the same timeline, subject to exceptional circumstances. In all circumstances, therefore, one year should be more than sufficient for a troop-contributing country to have completed an investigation. Where an investigation remains outstanding beyond this time period, the Department of Field Support will formally notify the troop-contributing country and request information on the completed investigation within ten days. If no satisfactory response is received within that time to either demonstrate that the investigation has been concluded or that it has been delayed due to extraordinary circumstances, the USG/DFS and USG/DPKO will make a recommendation to the Secretary-General, through the Chef de Cabinet, to suspend payment in relation to the unit⁸ with which the implicated individual was deployed, or a corresponding replacement unit.
31. The United Nations will consult with the troop-contributing country following the suspension of payments as per the provision above, to provide any necessary support for the swift conclusion of the investigation. Should the troop-contributing country fail to be responsive within three months, the United Nations will consider suspending all further deployments to that peacekeeping mission by the troop-contributing country until the Secretary-General receives notification of the completion of the investigation, taking note of the factors set out in the present Guidance as to what constitutes adequate notification in this regard.

Consideration by the Secretary-General of human rights issues relating to deployment

32. In A/70/357-S/2015/682, the Secretary-General pointed out that “it is essential that UN personnel, both civilian and military, conduct themselves in manner consistent with our values” and that the “human rights record and performance of contributing countries is an integral part of this.” In line with this, the current Force Generation process already includes human rights as part of the considerations for deployment. For instance, in resolution 2242 (2015) the Security Council welcomed the Secretary-General’s decision⁹ that countries repeatedly listed in the annexes of his annual reports on children and armed conflict and on conflict-related sexual violence are not considered for deployment. The Policy on Human Rights Screening of United Nations Personnel contains provisions for excluding from deployment and recruitment perpetrators of serious criminal offences or have been involved, by act or omission, in the commission of a violation of international human rights law or international humanitarian law.

⁸ It is noted that this measure would be applied to payments related to the individual(s), sub-unit(s), section(s) or entire unit, as warranted by the circumstances.

⁹Reference is made to S/2015/682, para 127. This decision was welcomed by the Security Council in SCR 2242 (2015) OP 10.

33. In addition, DPKO and DFS are working closely with relevant actors, including OHCHR, to further strengthen current procedures and institute additional ones as required, to ensure human rights standards for deployment are adequately taken into account.

Roles and responsibilities of Secretariat departments in implementing the present Guidance:

34. Further to paragraph 1 of SCR 2272 (2016), the Special Representative of the Secretary-General, in coordination with the Force Commander and/or the Police Commissioner, and relevant uniformed and civilian components, as warranted, may submit a written recommendation to the Under-Secretaries-General for Peacekeeping Operations and Field Support for the repatriation of a particular military unit or formed police unit when there is credible evidence of widespread or systemic sexual exploitation and abuse by that unit.
35. In this context, the Under-Secretaries-General for Peacekeeping Operations and Field Support may also consider the repatriation of a particular unit when the information received from a mission indicates that the continued presence in the mission area of the unit involved is detrimental to the reputation of the mission, its ability to deliver on its mandate or its ability to observe its obligations under the status of forces agreement with the host country.
36. The Under-Secretary-General for Field Support and the Under-Secretary-General for Peacekeeping Operations, will review the repatriation request and make a recommendation to the Secretary General through the Chef de Cabinet, with copy to OHCHR and OLA, on the basis of the criteria for repatriation set forth in the present Guidance.
37. Once the decision on repatriation has been taken, the Under-Secretaries-General for Peacekeeping Operations and Field Support, or their delegates, will meet with the Permanent Representative of the concerned Troop or Police Contributing Country, or his/her delegate, to inform about the decision to repatriate.
38. The repatriation decision will be formally communicated by a Secretariat Note Verbale. The Note Verbale will indicate that the repatriation will be implemented once the implicated military or police members have been interviewed by either the National Investigation Officers from the concerned troop or police contributing country, if appointed, or as part of a United Nations administrative investigation. This will ensure that the alleged perpetrators remain in the mission area until their participation in the investigation is no longer required.
39. In conducting the repatriation, the troop and police-contributing country shall coordinate with the Departments of Field Support and Peacekeeping Operations to ensure this operation is conducted in an orderly manner and UN-owned property is returned.

40. Further to paragraphs 2 of SCR 2272 (2016), the Under-Secretaries-General for Peacekeeping Operations and Field Support may submit a written recommendation to the Secretary-General to replace all military units and/or formed police units in the United Nations peacekeeping operation where the allegation(s) arose should any of three circumstances arise: (i) the Member State has not taken appropriate steps to investigate the allegation; (ii) the Member State has not held the perpetrators accountable; or (iii) the Member State has not informed the Secretary-General of the progress of its investigations and/or actions taken.
41. Any recommendation made in this regard shall be based on an analysis of factors set out in the present Guidance. The recommendation shall be made through the Chef de Cabinet, with copy to OHCHR, OLA and DPA.
42. Further to paragraph 3 of SCR 2272 (2016) the Secretary-General shall assess whether a Member State has taken the appropriate steps to investigate, hold accountable and inform him of the progress of its investigations when determining whether that Member State should participate in other current or future United Nations peacekeeping operations.
43. Once a decision has been taken on further to paragraph 2 or 3 of SCR 2272 (2016), the Under-Secretaries-General for Peacekeeping Operations and Field Support, or their delegates, will meet with the Permanent Representative of the concerned Troop or Police Contributing Country, or his/her delegate, to inform about the decision.
44. All decisions taken pursuant to paragraphs 2 and 3 of SCR 2272 (2016) will be formally communicated by a Secretariat Note Verbale. The Note Verbale will indicate the factors that have not been met under SCR 2272 (2016) and that constitute the basis of the decision.
45. The Under-Secretaries-General for Peacekeeping Operations and Field Support shall, in the course of making recommendations to the Secretary-General on the implementation of paragraphs 1, 2 and 3 of SCR 2272 (2016), consult with all concerned departments and offices, as relevant.
46. In order to support the Under-Secretaries-General for Peacekeeping Operations and Field Support in making recommendations in relation to SCR 2272 (2016), the integrated assessment teams referred to herein shall submit their findings, together with any comments or observations, to the Under-Secretaries-General for Peacekeeping Operations and Field Support. The reports of the integrated assessment teams, together with all other assessments conducted, and/or information provided by UN departments and offices, pursuant to the present Guidance, shall also be the basis upon which the Under-Secretaries-General for Peacekeeping Operations and Field Support will determine whether any troop or police-contributing country has met the required deployment standards, as described in Annex A, for service in a peacekeeping operation.

47. The present Guidance shall be reviewed no later than twenty-four months after the date of its approval.

Annex A - Assessment Matrix on pre-deployment and/or deployment standards for military contingents and formed police units

The Assessment Matrix is intended to set out the factors which should be taken into consideration by senior leadership in the United Nations in determining the deployment and/or pre-deployment of a military contingent and formed police units in a United Nations peacekeeping operation. The factors cover a range of preventive measures, including training, screening and vetting, as well as accountability standards, including investigative capacities of National Investigation Officers.

As indicated in the Matrix, a number of factors are considered by the United Nations to be mandatory. These factors are clearly indicated as mandatory, and a contingent/formed police unit will be deemed to not be ready for deployment should any of the mandatory factors not be met.

Non-mandatory factors are scored as being Complete (5 points), Partially Complete (1-4 points) or Incomplete (0 points). To the extent that a question requires an answer that is either "Yes" or "No" it is to be understood that a response of "Yes" would be equivalent to "Complete" and a response of "No" would be equivalent to "Incomplete." The same scoring structure will apply. A factor may also be indicated as "N/A" (not applicable) where appropriate. The assessor, whether a member of an integrated assessment team or otherwise tasked with assessing any or all of the factors in the present Matrix, may provide comments for any factor, as necessary. Comments will be required where a score of "Partially Complete" is given, with an explanation as reasons and rationale behind the allocation of points.

While the Assessment Matrix will result in a numerical score, the goal is to use this tool as a qualitative review of pre-deployment standards for military contingents/formed police units rather than taking a purely quantitative approach. The Under-Secretaries-General for Peacekeeping Operations and Field Support will take into account the numerical score, as well as any explanatory comments, in making recommendations regarding deployment of military contingents/formed police units.

Troop/Police Contributing Country: _____

Date of assessment: _____

Assessment undertaken for (circle one): Pre-deployment / Deployment

Mission and/or Location (as applicable): _____

Assessment undertaken by:

First Last Name: _____

Office: _____

First Last Name: _____

Office: _____

First Last Name: _____

Office: _____

First Last Name: _____

Office: _____

Scoring: Complete (5 points), Partially Complete (1-4 points), Incomplete (0 points), "N/A" (Not Applicable)

Annex A - Assessment Matrix on pre-deployment and/or deployment standards for military contingents and formed police units

Scoring: Complete (5 points), Partially Complete (1-4 points), Incomplete (0 points), "N/A" (Not Applicable)						
Standards		Complete	Partially Complete	Incomplete	N/A	Comments
(i): Pre-deployment training: Historical Data						
1	Does the Member State have training recognition for pre-deployment training consistent with United Nations standards?					
2	Mandatory: Does the Member State conduct pre-deployment training for all contingents prior to deployment?					
3	Mandatory: Has the Member State self-certified that it conducted the required pre-deployment training in conduct and discipline, including on sexual exploitation and abuse, and delivered it in accordance with United Nations standards?					
4	Mandatory: Does the Member State deliver, as part of its pre-deployment training curriculum, training in human rights, in accordance with United Nations Training Materials?					
5	Does the pre-deployment training include training on conflict-related sexual violence in line with United Nations training standards?					
6	Does the pre-deployment training include child protection training, specifying that according to the United Nations standards a child is defined as a person below the age of 18; does it also communicate that all sexual relations with minors are prohibited?					
7	Does the SEA-related content of the pre-deployment training include examples of previous misconduct related to SEA, including SEA related to children, and disciplinary measures taken?					

Annex A - Assessment Matrix on pre-deployment and/or deployment standards for military contingents and formed police units

Scoring: Complete (5 points), Partially Complete (1-4 points), Incomplete (0 points), "N/A" (Not Applicable)					
Standards	Complete	Partially Complete	Incomplete	N/A	Comments
8	Mandatory: There is no history of inaccurate self-certification of: the delivery of pre-deployment training; that personnel do not have a prior history of misconduct while serving in the United Nations, a history of criminal prosecution or conviction or of any violation of international human rights or international humanitarian law.				
9	Has the Member State requested a Mobile Training Team visit in the last 24 months?				
10	Was SEA training (Training of Trainers or other capacity-building for SEA) part of the Mobile Training Team agenda?				
11	There is a history of SEA-related misconduct by uniformed personnel contributed by the Member State, including as may have been set out in a Force Commander and/or Police Commissioner's end of assignment report or other relevant report.				
12	Has the Military Police deploying with the contingent been trained in conduct and discipline issues and prevention of sexual exploitation and abuse, child protection and human rights?				
(i): Pre-deployment training: Historical Data - <u>Summary of Assessment</u> <u>Comments:</u>					
<u>(ii): Professional training in conduct and discipline and prevention of sexual exploitation and abuse</u>					
13	Does the Member State have conflict related sexual violence, child protection and human rights training in its national training curriculum? (professional training not linked to peacekeeping)				

Annex A - Assessment Matrix on pre-deployment and/or deployment standards for military contingents and formed police units

Scoring: Complete (5 points), Partially Complete (1-4 points), Incomplete (0 points), "N/A" (Not Applicable)						
Standards		Complete	Partially Complete	Incomplete	N/A	Comments
14	Does the Member State conduct training on SEA regularly as a refresher course outside its pre-deployment training?					
15	Does the Member State conduct separate training on conduct and discipline with special emphasis on SEA in the national training curriculum (professional training not linked to peacekeeping)?					
16	Does the Member State conduct awareness-raising sessions on disciplinary measures in place in relation to SEA?					
17	Has the Member State developed a command philosophy regarding the prevention of sexual exploitation and abuse prior to deployment, and are commanding officers trained in this philosophy?					
(ii): Professional training in conduct and discipline and prevention of sexual exploitation and abuse - <u>Summary of Assessment Comments:</u>						
(iii): Assessment and Advisory Visit (AAV) & Pre-deployment Visit (PDV)						
18	Has an AAV been conducted? If Yes, please indicate in the "comments" section the assessment with regard to sexual exploitation and abuse, conflict related sexual violence, child protection and human rights training? If No, select N/A and explain why it is not applicable.					
19	Has a Pre-Deployment Visit (PDV) been conducted? If Yes, were recommendations in connection with SEA, made as part of the PDV, implemented? If No, select N/A and explain why.					

Annex A - Assessment Matrix on pre-deployment and/or deployment standards for military contingents and formed police units

Scoring: Complete (5 points), Partially Complete (1-4 points), Incomplete (0 points), "N/A" (Not Applicable)					
Standards	Complete	Partially Complete	Incomplete	N/A	Comments
(iii): Assessment and Advisory Visit (AAV) & Pre-deployment Visit (PDV) - <u>Summary of Assessment Comments:</u>					
(iv): Investigative Capacities through National Investigation Officers, as applicable					
20	Upon request, has the troop-contributing country nominated and deployed National Investigation Officers within contingents, as part of the deployment, as applicable?				
21	Do the nominated National Investigation Officers have the required qualifications as set out in formal communication to all troop-contributing countries by the Department of Peacekeeping Operations?				
22	Has the Member State requested and/or received training for its National Investigation Officers, including on the sensitivities of interviewing minor victims?				
23	Has the Member States submitted copies of the course work/training module for National Investigation Officers which formed part of pre-deployment training, along with information on the amount of training time devoted to the subject?				
24	Are there previous cases of SEA where the troop-contributing country has sent female National Investigation Officers or had female officers as part of the interviewing team?				
25	Has the United Nations received any reports that National Investigation Officers have not conducted investigations impartially and with respect for due process and sensitivity for the nature of the allegations and victims in respect of previous allegations of SEA?				

Annex A - Assessment Matrix on pre-deployment and/or deployment standards for military contingents and formed police units

Scoring: Complete (5 points), Partially Complete (1-4 points), Incomplete (0 points), "N/A" (Not Applicable)						
Standards		Complete	Partially Complete	Incomplete	N/A	Comments
26	Has the United Nations received reports that National Investigation Officers have not cooperated with the United Nations in the conduct of an investigation of alleged SEA?					
27	Has the United Nations received reports that National Investigative Officers attempted to intimidate witnesses or improperly influence an investigation into alleged SEA?					
(iv): Investigative Capacities through National Investigation Officers, as applicable - <u>Summary of Assessment Comments:</u>						
(v): Vetting and certification of personnel						
28	Mandatory: Has the Member State certified, as required, that none of its contributed uniformed personnel deployed or deploying to United Nations peacekeeping operations and special political missions being reviewed under the present Assessment Matrix have been previously repatriated on disciplinary grounds or otherwise barred from participation in current or future United Nations missions in connection with an act of serious misconduct, including SEA?					

Annex A - Assessment Matrix on pre-deployment and/or deployment standards for military contingents and formed police units

Scoring: Complete (5 points), Partially Complete (1-4 points), Incomplete (0 points), "N/A" (Not Applicable)						
Standards		Complete	Partially Complete	Incomplete	N/A	Comments
29	<p>Mandatory: If, following certification by the Member State, did it subsequently come to the attention of the Secretariat that any of its uniformed personnel members had been previously repatriated on disciplinary grounds in connection with an act of misconduct, including SEA; or that they had been convicted of, or were under investigation or were being prosecuted for, any criminal offence or any violation of international human rights law or international humanitarian law; or that the Member State was aware of any allegations against its personnel that they have been involved, by act or omission, in the commission of any acts that amount to violations of international human rights or international humanitarian law?</p>					
<p>(v): Vetting and certification of personnel - <u>Summary of Assessment</u> <u>Comments:</u></p>						
(vi): Human rights screening of UN personnel and related criteria						
30	<p>Mandatory: Has the Member State certified, as required, that none of its uniformed personnel deployed or deploying to the United Nations peacekeeping operation or special political mission being reviewed under the present Assessment Matrix have been convicted of, or are not currently under investigation or being prosecuted for, any criminal offence or any violation of international human rights law or international humanitarian law, and that it is not aware of any allegations against its personnel that they have been involved, by act or omission, in the commission of any acts that amount to violations of international human rights or international humanitarian law?</p>					
31	<p>Mandatory: Have Member States ensured that individuals to be deployed have submitted, as applicable, a self-attestation that they have not been involved in the commission, by act or omission, of any violation of international human rights law or international humanitarian law?</p>					

Annex A - Assessment Matrix on pre-deployment and/or deployment standards for military contingents and formed police units

Scoring: Complete (5 points), Partially Complete (1-4 points), Incomplete (0 points), "N/A" (Not Applicable)						
Standards		Complete	Partially Complete	Incomplete	N/A	Comments
32	Mandatory: Have Member States cooperated with senior-level personnel screening by the Secretariat, as applicable, under the Policy on Human Rights Screening of UN Personnel?					
33	Mandatory: Has the Member State been repeatedly listed in the annual reports of the Secretary-General on conflict-related sexual violence and/or of the Secretary-General on children and armed conflict?					
(vi): Human rights screening of UN personnel and related criteria - <u>Summary of Assessment Comments:</u>						
(vii): Accountability in responding to previous allegations of SEA						
34	Where there is a past history of alleged SEA by contingent members of the troop-contributing country, did the Member State nominate a National Investigation Officer within the timeline requested?					
35	Were investigations into previous allegations of SEA against contingent members of the troop-contributing country concluded within 6 months, or 3 months where an expedited timeline was requested by the Secretary-General?					
36	Has the troop/police-contributing country taken appropriate action, where applicable, to ensure victim and/or witness protection in the course of investigations, and/or ensure adequate child protection where applicable?					
37	In cases where evidence was found to substantiate allegations of SEA, were the sanctions imposed commensurate with the gravity of the acts in line with international standards, including in relation to the age of the victim?					
38	If disciplinary or criminal sanctions were imposed, were they in line with sanctions for misconduct/crimes of a similar nature had they been committed on national territory of the concerned troop/police-contributing country?					

Annex A - Assessment Matrix on pre-deployment and/or deployment standards for military contingents and formed police units

Scoring: Complete (5 points), Partially Complete (1-4 points), Incomplete (0 points), "N/A" (Not Applicable)						
Standards		Complete	Partially Complete	Incomplete	N/A	Comments
39	Where there has been a paternity claim in connection with a previous allegation of SEA, has the troop or police-contributing country facilitated the ability of the claimant to establish paternity – including through the use of DNA testing – and/or to claim child support in the relevant national judicial system?					
40	How many requests for information, including follow-up requests, relating to previous SEA cases involving uniformed personnel from the police of troop-contributing country, were sent by the Secretary-General? How many substantive responses to those requests were received from the troop/police-contributing country?					
41	Has the troop/police contributing country informed the United Nations of the findings of the investigation in connection with previous allegations of SEA against contingent members from the troop/police-contributing country, in accordance with the case reporting template provided for this purpose by the Secretary-General?					
42	Has the troop/police contributing country informed the Secretary-General of the nature of the proceedings taken in a specific matter, in connection with previous allegations of SEA against uniformed personnel from the troop/police-contributing country? In substantiated matters of SEA implicating uniformed personnel from the troop/police-contributing country, has the troop/police-contributing country informed the United Nations of the nature of the action taken?					
43	Has the troop/police contributing country informed the Secretary-General of its findings, in connection with previous allegations of SEA, on the question of whether the allegations resulted from a failure to exercise effective command and control?					

Annex A - Assessment Matrix on pre-deployment and/or deployment standards for military contingents and formed police units

Scoring: Complete (5 points), Partially Complete (1-4 points), Incomplete (0 points), "N/A" (Not Applicable)						
Standards		Complete	Partially Complete	Incomplete	N/A	Comments
44	Does the information provided by the troop/police-contributing country in connection with previous allegations of SEA by its military contingent or formed police unit personnel include reference to what the current national military or police regulations regarding discipline and/or national criminal code provide as a sanction for crimes of a similar nature, committed on national territory?					
(vii): Accountability in responding to previous allegations of SEA - <u>Summary of Assessment Comments:</u>						
(viii): Additional accountability standards to be met						
45	Have the troop/police-contributing country submitted updated national military or police regulations regarding discipline, oversight and accountability mechanisms to the Secretariat?					
46	Have Member States assessed existing national legislation to determine its applicability to sex crimes committed by nationals while in the service of United Nations peace operations and, if necessary, assessed whether new legislative action is required, including allowing nationality-based extraterritorial jurisdiction?					
47	Have Member States provided information on compliance with the United Nations request to amend national administrative frameworks governing police and military contingents to explicitly include sexual exploitation and abuse as a type of misconduct where this is not the case and to ensure that such cases attract the harshest possible sanctions?					
48	What is the level of gender balance in the contingent, which is to be seen as an indicator of a lower risk as it better enables uniformed personnel to engage with local women and understand their protection concerns?					

Annex A - Assessment Matrix on pre-deployment and/or deployment standards for military contingents and formed police units

Scoring: Complete (5 points), Partially Complete (1-4 points), Incomplete (0 points), "N/A" (Not Applicable)						
Standards		Complete	Partially Complete	Incomplete	N/A	Comments
49	Has an assessment under this Guidance, based on previous deployments (as applicable) of the degree to which the troop/police contributing country has carried out its obligations under the relevant MoUs been done and what was the outcome? This would include (i) providing effective training, including in UN standards of conduct; (ii) ensuring good order and discipline of personnel; (iii) promptness and good cooperation in respect of conducting investigations into acts of misconduct alleged against the personnel of the T/PCC, including with respect to ensuring accountability, and facilitating of paternity claims.					
50	Has the Member State ensured that there are mechanisms in place within the command structure which would ensure that commanders are alerted to conduct which may violate the prohibition on sexual exploitation and abuse, including the aggravated nature of sexual exploitation and abuse if committed against minors?					
51	Where weaknesses are detected is there a plan in place for remedial training at the individual or unit?					
52	Has the Member State ensured that there is photographic inventory of deployed personnel, which can be used for investigative purposes if required?					
(viii): Additional accountability standards to be met - <u>Summary of Assessment Comments:</u>						
(ix): Pre-deployment standards related to readiness of military contingents regarding SEA						
53	Does the military unit have qualified male and/or female National Investigation Officers?					
54	Does the unit possess the appropriate organizational structure for command and control of the unit as specified in the Statement of Unit Requirements?					

Annex A - Assessment Matrix on pre-deployment and/or deployment standards for military contingents and formed police units

Scoring: Complete (5 points), Partially Complete (1-4 points), Incomplete (0 points), "N/A" (Not Applicable)						
Standards		Complete	Partially Complete	Incomplete	N/A	Comments
55	Has the unit personnel undergone the required medical screening and immunization regime?					
56	Does the unit possess provisions to take care of the welfare, physical and mental well-being of contingent members during deployment?					
(ix): Pre-deployment standards related to readiness of military contingents regarding SEA - <u>Summary of Assessment Comments:</u>						
<u>Comments on Overall Assessment:</u>						

REFERENCES:

- Annex D of the Standard Operating Procedure on "Assessment of Operational Capability of Formed Police Units For Service in United Nations Peacekeeping Operations, Ref. 2012.11
- Formal communication from the Department of Peacekeeping Operations to all Troop-Contributing Countries regarding the deployment of National Investigation Officers in military units, attaching the "Standard Job Description for National Investigation Officers in Military Units in Field Mission" (Reference FGS/NIO dated 4 February 2015)
- Reports of the Secretary-General on Special measures for protection from sexual exploitation and sexual abuse (A/70/729 and A/69/779)
- Revised draft Model Memorandum of Understanding between the United Nations and Troop-Contributing Countries (A/C.5/66/8)
- Revised Model Memorandum of Understanding for Formed Police Units
- Sample certification, sent via Note Verbale, to be signed upon deployment and/or rotation, sent to troop-contributing countries on 25 January 2016